

5307--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 17, 2015

Introduced by M. of A. GALEF, PAULIN, THIELE, KAVANAGH, ORTIZ, ROSEN-
THAL, JAFFEE, LAVINE, McDONALD, ROZIC, LUPARDO, KEARNS, CORWIN, RAIA,
GIGLIO, BUTLER, MONTESANO, TENNEY, FINCH -- Multi-Sponsored by -- M.
of A. BARCLAY, BLANKENBUSH, CERETTO, CROUCH, CURRAN, DiPIETRO, DUPREY,
HAWLEY, KOLB, LOPEZ, LUPINACCI, MAGEE, McDONOUGH, McKEVITT, McLAUGH-
LIN, SALADINO, SCHIMEL, SIMON, STEC, TEDISCO, WALTER -- read once and
referred to the Committee on Governmental Operations -- recommitted to
the Committee on Governmental Operations in accordance with Assembly
Rule 3, sec. 2 -- committee discharged, bill amended, ordered
reprinted as amended and recommitted to said committee

AN ACT to amend the legislative law, in relation to clarifying the
appropriation and qualification of member items, discretionary funds
and unitemized lump sum appropriations and authorizes the legislative
ethics commission to review violations of the qualification of member
items, discretionary funds and unitemized lump sum appropriations; and
to amend the state finance law, in relation to requiring that all
member items, discretionary funds and unitemized lump sum appropri-
ations be fully itemized

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The legislative law is amended by adding a new section 54-b
2 to read as follows:
3 S 54-B. MEMBER ITEMS, DISCRETIONARY FUNDS AND UNITEMIZED LUMP SUM
4 APPROPRIATIONS. 1. AS USED IN THIS SECTION, THE TERM "MEMBER ITEM,
5 DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION" SHALL MEAN A
6 BUDGETARY ALLOCATION AS FUNDED BY THE LEGISLATIVE COMMUNITY PROJECTS
7 FUND AS DEFINED IN SECTION NINETY-NINE-Y OF THE STATE FINANCE LAW, AND
8 THE EXECUTIVE COMMUNITY PROJECTS FUND AS DEFINED IN SECTION
9 NINETY-NINE-Z OF THE STATE FINANCE LAW AT THE DISCRETION AND REQUEST OF
10 THE GOVERNOR OR A MEMBER OF THE LEGISLATURE FOR A CERTIFIED TAX-EXEMPT
11 NON-PROFIT ORGANIZATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD00053-08-6

1 CODE IN NEW YORK STATE, A STATE AGENCY, A MUNICIPALITY OR THEIR AFFIL-
2 IATED DEPARTMENT, UNIVERSITY, COLLEGE, OR SCHOOL DISTRICT.

3 2. MEMBER ITEMS, DISCRETIONARY FUNDS OR UNITEMIZED LUMP SUM APPROPRI-
4 ATIONS SHALL NOT BE APPROPRIATED WHEN A CONFLICT OF INTEREST EXISTS
5 BETWEEN THE LEGISLATOR OR GOVERNOR DESIGNATING THE MEMBER ITEM, DISCRE-
6 TIONARY FUND AND UNITEMIZED LUMP SUM APPROPRIATION AND THE POTENTIAL
7 RECIPIENT. A MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM
8 APPROPRIATION CANNOT FUND ORGANIZATIONS THAT EMPLOY OR OTHERWISE COMPEN-
9 SATE THE LEGISLATOR OR GOVERNOR, A MEMBER OF THE LEGISLATOR'S OR GOVER-
10 NOR'S FAMILY, ANY PERSON SHARING THE HOME OF THE LEGISLATOR OR GOVERNOR
11 OR A MEMBER OF THE LEGISLATOR'S OR GOVERNOR'S STAFF FOR SERVICES OR
12 LABOR RENDERED. FURTHERMORE, LEGISLATORS AND THE GOVERNOR SHALL NOT
13 DESIGNATE MEMBER ITEMS, DISCRETIONARY FUNDS AND UNITEMIZED LUMP SUM
14 APPROPRIATIONS IF THE LEGISLATOR OR GOVERNOR, A MEMBER OF THE LEGISLA-
15 TOR'S OR GOVERNOR'S FAMILY, ANY PERSON SHARING THE HOME OF THE LEGISLA-
16 TOR OR GOVERNOR OR A MEMBER OF THE LEGISLATOR'S OR GOVERNOR'S STAFF IS
17 INVOLVED WITH THE OPERATIONS OF THE ORGANIZATION IN A DECISION-MAKING
18 CAPACITY INCLUDING BUT NOT LIMITED TO WORKING ON AN UNPAID, VOLUNTEER
19 BASIS OR A MEMBER OF THE DIRECTING BOARD OF AN ORGANIZATION.

20 3. PRIOR TO THE APPROPRIATION OF MEMBER ITEMS DISCRETIONARY FUNDS AND
21 UNITEMIZED LUMP SUM APPROPRIATIONS, THE LEGISLATURE SHALL:

22 (A) PROVIDE THAT EACH MEMBER OF THE SENATE AND EACH MEMBER OF THE
23 ASSEMBLY RECEIVE AN EQUAL SHARE OF THE DOLLAR AMOUNT OF MEMBER ITEMS
24 DISCRETIONARY FUNDS OR UNITEMIZED LUMP SUM APPROPRIATION ALLOCATED TO
25 THE RESPECTIVE LEGISLATIVE BODY;

26 (B) REQUIRE THE LEGISLATOR OR GOVERNOR REQUESTING SUCH MEMBER ITEM,
27 DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION TO SUBMIT A
28 SIGNED CONFLICT OF INTEREST FORM ALONG WITH THE MEMBER ITEM DISCRETION-
29 ARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION REQUEST FORM TO ENSURE
30 THAT NO CONFLICT OF INTEREST EXISTS. THE LEGISLATOR OR GOVERNOR SHALL
31 DISCLOSE ON THE CONFLICT OF INTEREST FORM ALL POLITICAL DONATIONS HE OR
32 SHE IS RECEIVING OR HAS RECEIVED IN THE PAST FROM THE INTENDED RECIPIENT
33 OF THE MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRI-
34 ATION FUNDING. SUCH A CONFLICT OF INTEREST FORM SHALL BE SIGNED BY THE
35 LEGISLATOR OR GOVERNOR UNDER PENALTY OF PERJURY, STATING THAT THE MEMBER
36 ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION IS NOT
37 BEING DIRECTED IN A MANNER DESCRIBED IN SUBDIVISION TWO OF THIS SECTION;

38 (C) PROVIDE THAT ANY STATE AGENCY THAT PROVIDES FUNDING FOR MEMBER
39 ITEMS, DISCRETIONARY FUNDS AND UNITEMIZED LUMP SUM APPROPRIATIONS EVALU-
40 ATE THE SPENDING OF SUCH MEMBER ITEM FUNDS, DISCRETIONARY FUNDS AND
41 UNITEMIZED LUMP SUM APPROPRIATIONS BY THE LOCAL PROJECT, ORGANIZATION OR
42 OTHER ENTITY RECEIVING SUCH FUNDS. THE STATE AGENCY SHALL TRACK THE
43 FUNDS TO ENSURE THAT THEY ARE BEING SPENT IN A MANNER CONSISTENT WITH
44 THE MEMBER ITEM APPLICATION;

45 (D) ENSURE THAT THE FOLLOWING CRITERIA ARE SATISFIED:

46 (1) GRANTS ARE TO BE DESIGNATED FOR PUBLIC PURPOSES. THE PROGRAM
47 FUNDED MUST BE OPEN AND AVAILABLE TO ALL INDIVIDUALS ON A NONSECTARIAN
48 BASIS;

49 (2) GRANTS ARE PROVIDED IN SUPPORT OF SERVICES AND ACTIVITIES THAT
50 HAVE STATEWIDE BENEFIT OR BENEFIT LOCAL COMMUNITIES;

51 (3) GRANTS ARE ONLY DESIGNATED FOR NOT-FOR-PROFIT ORGANIZATIONS, MUNI-
52 CIPALITIES OR THEIR AFFILIATED DEPARTMENTS/AGENCIES, UNIVERSITIES,
53 COLLEGES, OR SCHOOL DISTRICTS;

54 (4) GRANTS ARE AVAILABLE SOLELY FOR ACTIVITIES AND PROGRAMS CONDUCTED
55 WITHIN THE STATE OF NEW YORK;

(5) GRANTS ARE NOT TO BE REDISTRIBUTED UNLESS THE GRANT RECIPIENT IS IDENTIFIED AND THE GRANT TO THE END RECIPIENT COMPLIES WITH THE CRITERIA;

(6) GRANTS ARE TO BE USED ONLY FOR THE PURPOSE STATED IN THE FUNDING REQUEST;

(7) GRANTS ARE NOT TO BE USED TO FUND LOAN PROGRAMS;

(8) GRANTS ARE NOT TO BE USED FOR THE FOLLOWING PURPOSES: (A) TO FUND AN ENTITY IN BANKRUPTCY, RECEIVERSHIP, OR FORECLOSURE OR TO FUND LEGAL OR ADMINISTRATIVE EXPENSES RELATED TO BANKRUPTCY, RECEIVERSHIP OR FORECLOSURE PROCEEDINGS; (B) TO PAY FOR ANY ARREARS IN WORKERS' COMPENSATION, UNEMPLOYMENT INSURANCE OR OTHER EMPLOYEE BENEFITS; OR (C) TO PAY FOR ANY ARREARS OR CURRENT OBLIGATIONS FOR FEDERAL, STATE, OR MUNICIPAL TAXES; FOR LOBBYING ACTIVITIES AS DEFINED UNDER SECTION ONE-C OF THIS CHAPTER AND COMPARABLE SECTIONS OF FEDERAL OR MUNICIPAL LAW;

(9) GRANTS ARE NOT TO BE THE ONLY SIGNIFICANT SOURCE OF FUNDING FOR THE ORGANIZATION;

(10) GRANT APPLICATIONS SHALL INCLUDE A BRIEF DESCRIPTION OF THE PROJECT TO BE FUNDED; AND

(11) GRANTS SHALL NOT BE USED BY RECIPIENTS TO PAY WAGES OR OTHER EMPLOYEE BENEFITS.

(E) THE LEGISLATURE SHALL PRODUCE AND MAKE PUBLIC A COMPILED QUARTERLY REPORT WITH RESPECT TO EACH MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION, THE NAME OF THE MEMBER OF THE SENATE, THE MEMBER OF THE ASSEMBLY, THE GOVERNOR, OR ANY STATE ELECTED OFFICIAL THAT IS SPONSORING THE MEMBER ITEM DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION, THE DOLLAR AMOUNT OF THE MEMBER ITEM DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION TO BE APPROPRIATED, THE NAME OF THE LOCAL PROJECT, ORGANIZATION, OR OTHER ENTITY RECEIVING SUCH MEMBER ITEM DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION. SUCH COMPILED QUARTERLY REPORTS DETAILING AND DISCLOSING THE USE OF SUCH FUNDS SHALL START WITH THE DATE OF THE ENACTING STATE BUDGET WITH UPDATED REPORTS BEING DELIVERED ON EACH FIRST DAY OF EVERY FOURTH MONTH THEREAFTER. SUCH PUBLICATION SHALL, AT A MINIMUM, BE PUBLISHED ON THE WEBSITE OF EACH HOUSE OF THE LEGISLATURE IN A MANNER THAT IS EASILY ACCESSIBLE.

4. ALL MEMBER ITEM, DISCRETIONARY FUND AND UNITEMIZED LUMP SUM APPROPRIATION ALLOCATION RECIPIENTS SHALL PROVIDE CERTIFICATION OF PROPER USE OF FUNDS RECEIVED. FOR ALLOCATIONS TOTALING LESS THAN FIFTY THOUSAND DOLLARS, A DULY AUTHORIZED REPRESENTATIVE OF THE MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION RECIPIENT ORGANIZATION SHALL ATTEST UNDER PENALTY OF PERJURY THAT THE RECIPIENT ORGANIZATION ACTUALLY SPENT THE MEMBER ITEM GRANT MONEY, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION IN THE MANNER AND FOR THE PURPOSES DESIGNATED IN ITS APPLICATION FOR A MEMBER ITEM, DISCRETIONARY FUND AND UNITEMIZED LUMP SUM APPROPRIATION ALLOCATION. FOR ALLOCATIONS TOTALING MORE THAN FIFTY THOUSAND DOLLARS, A DULY AUTHORIZED REPRESENTATIVE OF THE MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION RECIPIENT ORGANIZATION SHALL ATTEST UNDER PENALTY OF PERJURY THAT THE RECIPIENT ORGANIZATION ACTUALLY SPENT THE MEMBER ITEM GRANT MONEY, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION IN THE MANNER AND FOR THE PURPOSES DESIGNATED IN ITS APPLICATION FOR A MEMBER ITEM, DISCRETIONARY FUND AND UNITEMIZED LUMP SUM APPROPRIATION ALLOCATION AND SHALL FILE A FINAL REPORT, UNDER PENALTY OF PERJURY, DETAILING THE EXPENDITURES. SUCH REPORT SHALL BE SUBMITTED BY MAY THIRTY-FIRST OF THE CALENDAR YEAR FOLLOWING THE CALENDAR YEAR IN WHICH THE MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION WAS ALLOCATED AND SHALL FOLLOW THE REQUIREMENTS ESTABLISHED BY THE ATTORNEY GENERAL.

1 NO FUTURE MEMBER ITEM GRANTS, DISCRETIONARY FUNDS OR UNITEMIZED LUMP SUM
2 APPROPRIATIONS SHALL BE APPROVED FOR AN ORGANIZATION WHICH HAS PREVIOUS-
3 LY RECEIVED A MEMBER ITEM, DISCRETIONARY FUND AND ITEMIZED LUMP SUM
4 APPROPRIATION ALLOCATION UNTIL SUCH DOCUMENTS HAVE BEEN SIGNED AND
5 RECEIVED BY THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL.

6 5. PRIOR TO SUBMITTING AN APPLICATION FOR A MEMBER ITEM, DISCRETIONARY
7 FUND AND ITEMIZED LUMP SUM APPROPRIATION ALLOCATION, EACH ORGANIZATION
8 SEEKING A MEMBER ITEM, DISCRETIONARY FUND AND ITEMIZED LUMP SUM APPRO-
9 PRIATION ALLOCATION MUST MEET PRE-CERTIFICATION STANDARDS AS ESTABLISHED
10 BY THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL. AT A MINIMUM,
11 THOSE STANDARDS SHALL REQUIRE THAT THE ORGANIZATION SEEKING PRE-CERTIFI-
12 CATION IS A CERTIFIED TAX-EXEMPT NON-PROFIT ORGANIZATION UNDER SECTION
13 501(C)(3) OF THE INTERNAL REVENUE CODE IN NEW YORK STATE, A STATE AGEN-
14 CY, A MUNICIPALITY OR THEIR AFFILIATED DEPARTMENT, UNIVERSITY, COLLEGE,
15 OR SCHOOL DISTRICT CAPABLE OF ACCEPTING POTENTIAL FUNDING AND THAT SUCH
16 ENTITY IS NOT IN BANKRUPTCY OR ARREARS ON ANY OBLIGATIONS. IF AN ORGAN-
17 IZATION HAS RECEIVED MEMBER ITEM FUNDING, DISCRETIONARY FUNDS OR UNITEM-
18 IZED LUMP SUM APPROPRIATIONS IN THE PAST, THE ORGANIZATION SHALL ALSO
19 COMPLY WITH THE REQUIREMENTS OF SUBDIVISION FOUR OF THIS SECTION. NO
20 APPLICATION FROM ANY ORGANIZATION SHALL BE CONSIDERED BY A LEGISLATOR
21 UNTIL THE OFFICE OF THE NEW YORK STATE ATTORNEY GENERAL HAS CERTIFIED
22 SUCH ORGANIZATION BASED UPON THE CRITERIA SET FORTH IN THIS SUBDIVISION
23 AND UPON ANY ADDITIONAL REGULATORY STANDARDS ESTABLISHED BY THE ATTORNEY
24 GENERAL.

25 6. ANY STATE AGENCY THAT PROVIDES FUNDING FOR MEMBER ITEMS, DISCRE-
26 TIONARY FUNDS OR UNITEMIZED LUMP SUM APPROPRIATIONS SHALL REVIEW MEMBER
27 ITEM SPENDING, DISCRETIONARY FUNDS AND UNITEMIZED LUMP SUM APPROPRI-
28 ATIONS ON AN ANNUAL BASIS AND PERIODICALLY REVIEW GRANT RECIPIENTS' USE
29 OF GRANT MONEY.

30 7. ANY MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPRO-
31 PRIATION APPROPRIATED BY THE LEGISLATURE SHALL BE SET FORTH SEPARATELY
32 AND APART FROM EVERY OTHER MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED
33 LUMP SUM APPROPRIATION IN THE STATE BUDGET IN ORDER TO CLEARLY IDENTIFY
34 EACH LEGISLATOR'S OR GOVERNOR'S REQUEST.

35 8. ANY VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL BE REFERRED
36 TO THE LEGISLATIVE ETHICS COMMISSION OR ITS SUCCESSOR ENTITY.
37 COMPLAINTS REGARDING THE FAILURE OF AN ALLOCATION OR USE OF A MEMBER
38 ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM APPROPRIATION TO COMPLY
39 WITH THE PROVISIONS OF THIS CHAPTER SHALL BE SUBMITTED TO (A) THE LEGIS-
40 LATIVE ETHICS COMMISSION WITH REGARD TO A MEMBER ITEM, DISCRETIONARY
41 FUND OR UNITEMIZED LUMP SUM APPROPRIATION ALLOCATION MADE AT THE
42 DISCRETION OF A LEGISLATOR, OR (B) THE COMMISSION ON PUBLIC INTEGRITY
43 WITH REGARD TO A MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED LUMP SUM
44 APPROPRIATION ALLOCATION MADE AT THE DISCRETION OF THE GOVERNOR. EACH
45 COMPLAINT SHALL BE INVESTIGATED IN ACCORDANCE WITH THE RULES AND PROCE-
46 DURES OF THE COMMISSION RECEIVING THE COMPLAINT.

47 S 2. Subdivisions 4 and 5 of section 24 of the state finance law, as
48 added by chapter 1 of the laws of 2007, are amended to read as follows:

49 4. Any appropriation added to such budget bills, pursuant to section
50 four of article seven of the constitution, shall only contain itemized
51 appropriations which shall not be in the form of lump sum appropri-
52 ations[,] AND SHALL DESIGNATE FOR EACH APPROPRIATION A GRANTEE OF SUCH
53 APPROPRIATION, and [provided further that] for all non-federal state
54 operations appropriations, such bill or bills shall only contain item-
55 ized appropriations and shall be made, where practicable, by agency, and

1 within each agency by program and within each program at the following
2 level of detail and in the following order:

3 (a) by fund type, which at a minimum shall include general fund,
4 special revenue-other funds, capital projects funds and debt service
5 funds;

6 (b) for personal service appropriations, separate appropriations shall
7 be made for regular personal service, temporary personal service, and
8 holiday and overtime pay;

9 (c) for nonpersonal service appropriations, separate appropriations
10 shall be made for supplies and materials, travel, contractual services,
11 equipment and fringe benefits, as appropriate.

12 5. [Any appropriation added pursuant to section four of article seven
13 of the constitution without designating a grantee shall be allocated
14 only pursuant to a plan setting forth an itemized list of grantees with
15 the amount to be received by each, or the methodology for allocating
16 such appropriation. Such plan shall be subject to the approval of the
17 chair of the senate finance committee, the chair of the assembly ways
18 and means committee, and the director of the budget, and thereafter
19 shall be included in a concurrent resolution calling for the expenditure
20 of such monies, which resolution must be approved by a majority vote of
21 all members elected to each house upon a roll call vote.] THE PROVISIONS
22 OF THIS SECTION SHALL NOT PRECLUDE MEMBERS OF THE LEGISLATURE FROM
23 COLLABORATING WITH EACH OTHER IN THE SELECTION OF MEMBER ITEMS AND PACK-
24 AGING THEIR INDIVIDUAL MEMBER ITEM, DISCRETIONARY FUND OR UNITEMIZED
25 LUMP SUM APPROPRIATION ALLOCATIONS TOGETHER WITH OTHER MEMBER'S ALLO-
26 CATIONS FOR SPECIFIED REGIONAL OR JOINT PROJECTS.

27 S 3. Section 99-d of the state finance law, as added by chapter 474 of
28 the laws of 1996, is renumbered section 99-y and the section heading and
29 subdivision 1, subdivision 1 as amended by section 2 of part BB of chap-
30 ter 686 of the laws of 2003, are amended to read as follows:

31 [Community] LEGISLATIVE COMMUNITY projects fund. 1. There is hereby
32 established in the joint custody of the comptroller and the commissioner
33 of taxation and finance a special fund to be known as the LEGISLATIVE
34 community projects fund. This fund may have separate accounts designated
35 pursuant to a specific appropriation to such account or pursuant to a
36 written suballocation plan approved in a memorandum of understanding
37 executed by the director of the budget, the secretary of the senate
38 finance committee and the secretary of the assembly ways and means
39 committee. Such suballocation shall be submitted to the comptroller.

40 S 4. The state finance law is amended by adding a new section 99-z to
41 read as follows:

42 S 99-Z. EXECUTIVE COMMUNITY PROJECTS FUND. 1. THERE IS HEREBY ESTAB-
43 LISHED IN THE JOINT CUSTODY OF THE COMPTROLLER AND THE COMMISSIONER OF
44 TAXATION AND FINANCE A SPECIAL FUND TO BE KNOWN AS THE EXECUTIVE COMMU-
45 NITY PROJECTS FUND. THIS FUND MAY HAVE SEPARATE ACCOUNTS DESIGNATED
46 PURSUANT TO A SPECIFIC APPROPRIATION TO SUCH ACCOUNT OR PURSUANT TO A
47 WRITTEN SUBALLOCATION PLAN APPROVED IN A MEMORANDUM OF UNDERSTANDING
48 EXECUTED BY THE DIRECTOR OF THE BUDGET, THE SECRETARY OF THE SENATE
49 FINANCE COMMITTEE AND THE SECRETARY OF THE ASSEMBLY WAYS AND MEANS
50 COMMITTEE. SUCH SUBALLOCATION SHALL BE SUBMITTED TO THE COMPTROLLER.

51 2. SUCH FUND SHALL CONSIST OF MONIES TRANSFERRED TO SUCH FUND FROM THE
52 GENERAL FUND/STATE PURPOSES ACCOUNT, OR ANY OTHER MONIES REQUIRED TO BE
53 TRANSFERRED OR DEPOSITED. MONIES MAY NOT BE TRANSFERRED OR LOANED
54 BETWEEN THE ACCOUNTS OF THIS FUND, UNLESS SPECIFICALLY OTHERWISE
55 PROVIDED BY LETTER SIGNED BY THE DIRECTOR OF THE BUDGET, BUT ONLY UPON

1 THE JOINT REQUEST OF THE SECRETARY OF THE SENATE FINANCE COMMITTEE AND
2 THE SECRETARY OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

3 3. (A) AS REQUIRED TO MAKE TIMELY PAYMENTS FROM SUCH ACCOUNTS UPON
4 PRESENTMENT OF PROPER VOUCHERS THEREFOR, THE STATE COMPTROLLER SHALL
5 MAKE TRANSFERS TO ANY ACCOUNT IN THIS FUND UP TO THE AMOUNTS ANNUALLY
6 SPECIFIED FOR TRANSFER TO SUCH ACCOUNT AND IN COMPLIANCE WITH SUBDIVI-
7 SION TWO OF THIS SECTION, BUT ONLY FROM SUCH FUND OR FUNDS AUTHORIZED TO
8 PROVIDE SUCH TRANSFERS.

9 (B) BY THE CLOSE OF EACH FISCAL YEAR, ALL REMAINING AMOUNTS NOT YET
10 TRANSFERRED SHALL BE TRANSFERRED TO THE DESIGNATED ACCOUNTS FOR WHICH
11 SUCH TRANSFERS WERE AUTHORIZED, UP TO THE TOTAL AMOUNTS SPECIFIED FOR
12 TRANSFER TO EACH ACCOUNT IN EACH FISCAL YEAR AND IN COMPLIANCE WITH
13 SUBDIVISION TWO OF THIS SECTION.

14 4. NOTWITHSTANDING SECTION FORTY OF THIS CHAPTER OR ANY OTHER
15 PROVISION OF LAW, APPROPRIATIONS OF THIS FUND SHALL BE AVAILABLE FOR
16 LIABILITIES INCURRED DURING AND AFTER THE CLOSE OF THE FISCAL YEAR FOR
17 WHICH SUCH APPROPRIATIONS ARE ENACTED, PROVIDED HOWEVER THAT SUCH APPRO-
18 PRIATIONS SHALL LAPSE ON THE FIFTEENTH DAY OF SEPTEMBER FOLLOWING THE
19 CLOSE OF THE FISCAL YEAR, AND NO MONIES SHALL THEREAFTER BE PAID OUT OF
20 THE STATE TREASURY OR ANY OF ITS FUNDS OR THE FUNDS UNDER ITS MANAGEMENT
21 PURSUANT TO SUCH APPROPRIATIONS.

22 5. THE DIRECTOR OF THE BUDGET SHALL ISSUE A CERTIFICATE OF APPROVAL
23 FOR ANY APPROPRIATION IN ANY ACCOUNT OF THIS FUND NO LATER THAN THE
24 LATER OF SIXTY DAYS AFTER THE ENACTMENT OF SUCH APPROPRIATION OR FIVE
25 DAYS AFTER THE EXECUTION OF A WRITTEN SUBALLOCATION PLAN PURSUANT TO THE
26 PROVISIONS OF SUBDIVISION ONE OF THIS SECTION. SUCH APPROVAL SHALL
27 SATISFY ANY OTHER REQUIREMENT FOR A CERTIFICATE OF APPROVAL.

28 6. (A) THE STATE SHALL NOT BE LIABLE FOR PAYMENTS PURSUANT TO ANY
29 CONTRACT, GRANT OR AGREEMENT MADE PURSUANT TO AN APPROPRIATION IN ANY
30 ACCOUNT OF THIS FUND IF INSUFFICIENT MONIES ARE AVAILABLE FOR TRANSFER
31 TO SUCH ACCOUNT OF THIS FUND, AFTER REQUIRED TRANSFERS PURSUANT TO
32 SUBDIVISION THREE OF THIS SECTION. EXCEPT WITH RESPECT TO GRANTS, OR
33 AGREEMENTS EXECUTED BY ANY STATE OFFICER, EMPLOYEE, DEPARTMENT, INSTITU-
34 TION, COMMISSION, BOARD, OR OTHER AGENCY OF THE STATE PRIOR TO THE
35 EFFECTIVE DATE OF THIS SECTION, ANY CONTRACT, GRANT OR AGREEMENT MADE
36 PURSUANT TO AN APPROPRIATION IN THIS FUND SHALL INCORPORATE THIS
37 PROVISION AS A TERM OF SUCH CONTRACT, GRANT OR AGREEMENT.

38 (B) THE EXHAUSTION OF FUNDS AVAILABLE FOR SUCH TRANSFERS SHALL NOT
39 PRECLUDE THE APPROVAL OF CONTRACTS HEREUNDER PURSUANT TO SECTION ONE
40 HUNDRED TWELVE OF THIS CHAPTER. NOTWITHSTANDING ANY OTHER PROVISION OF
41 LAW, INTEREST SHALL NOT BE DUE TO ANY RECIPIENT FOR ANY LATE PAYMENTS
42 MADE FROM THIS FUND WHICH RESULT FROM INSUFFICIENT MONIES BEING AVAIL-
43 ABLE IN AN ACCOUNT OF THIS FUND.

44 7. MONIES SHALL BE PAID OUT OF SUCH ACCOUNTS ON THE AUDIT AND WARRANT
45 OF THE STATE COMPTROLLER ON VOUCHERS CERTIFIED OR APPROVED BY THE HEAD
46 OF THE APPROPRIATE AGENCY.

47 S 5. This act does not preclude either house of the legislature or the
48 governor from adopting more stringent standards through its own guide-
49 lines or through the application process.

50 S 6. Member item grants, discretionary funds and unitemized lump sum
51 appropriations shall continue to be subject to review by the respective
52 assembly and senate fiscal and counsel staffs, division of the budget,
53 the administering state agency, the office of the state comptroller, and
54 the office of the attorney general. Nothing in this act shall limit the
55 authority of the state comptroller and the attorney general to review
56 member item grant, discretionary fund or unitemized lump sum appropri-

1 ation recipients or member item grants, discretionary funds and unitem-
2 ized lump sum appropriations.
3 S 7. This act shall take effect immediately.